

REMARKS

The present invention relates to a remote monitor composed of a transmitter and a receiver, the monitor being useful as an audio baby monitor.

All of the claim rejections are traversed for the reason that the applied references, whether considered singly or in any rational combination, do not disclose or suggest the appliance according to the present invention.

In order to make such an appliance easier to transport in a compact form, the monitor according to the invention includes a transmitter having an enclosure dimensioned to receive the receiver, when the appliance is not in use, and the appliance has at least one removable wall that will cover the enclosure in which the receiver is placed, the wall then being attached in order to retain the receiver.

Simply stated, the applied references have virtually no relevance to the present invention.

With respect to the rejection of claim 1, presented in Section 4 of the Action, the Examiner's description of the primary reference, KNOEDLER, bears no resemblance to the actual disclosure presented in that patent.

Firstly, it must be noted that KNOEDLER only discloses a transmitter. While it is understood that this transmitter would be employed in cooperation with a receiver,

the reference itself presents no disclosure of a receiver, and in particular no disclosure of the dimensions that such a receiver would have compared to any dimension of the transmitter.

The explanation of the rejection appears to suggest that KNOEDLER discloses a transmitter having an enclosure for receiving a receiver. This is completely untrue. The reference contains no such disclosure and the transmitter illustrated in the reference drawing does not have any space, or enclosure, for holding a receiver. In fact, in the explanation of the rejection, the Examiner acknowledges that KNOEDLER fails to disclose that the transmitter has a removable wall permitting access to the interior of an enclosure. If the reference device does not have a removable wall, it cannot house a receiver.

The explanation of the rejection further states "the transmitter unit has a rear housing side (12 of Fig. 5) can be removed for supporting to allow other structures inside of the transmitter (see Figs. 1-3, 5 and column 3, lines 39-60)." The only housing side that can be removed in KNOEDLER is a cover for a battery compartment. One skilled in the art would have absolutely no reason to believe that a receiver could be stored in the battery compartment, and if it were, there would be no place for the batteries.

As regards the reference to column 3, lines 39-60, that portion of the reference specification bears no relation to the cover of the battery compartment.

The disclosure at column 3, line 39-60, relates to a clip that is permanently secured to the transmitter case and that includes a main part 72 that always remains outside the case. The relevance of this disclosure of the present invention is simply not understood.

In any event, KNOEDLER does not impart to those skilled in the art any suggestion for forming a transmitter case to have an enclosure that is dimensioned to house a receiver when the appliance is not in use. In other words, KNOEDLER does not provide any information that is at all relevant to the contribution of the present invention.

The reference to Leland does not supply any of the many elements missing from the KNOEDLER reference.

Leland describes a portable transmitter for hand-held use containing, in a case, a transmitter circuit and an enclosed battery compartment. Leland has apparently been cited for its disclosure of a housing having a removable cover for closing a battery compartment. The reason for relying on Leland to support the rejection is not understood in view of the fact that the primary reference, KNOEDLER, already discloses a battery compartment having a removable cover.

The fact is that neither reference discloses a transmitter case provided with an enclosure having dimensions greater than those of the receiver case for storage of the receiver. One skilled in the art would simply have no motivation, based on the disclosures of the applied references, to provide an enclosure having such dimensions. It would be totally illogical to store a receiver in a battery compartment because there would then be no place to store the batteries! In addition, the prior art does not provide any evidence that a battery compartment would be large enough to hold a receiver.

Added claim 16 contains all of the limitations of claim 1, and includes the recitation of a second enclosure for receiving a battery case. Clearly, the applied references do not disclose a transmitter having two separate enclosures serving respectively different purposes.

Support for the added recitation in Claim 16 will be found in the specification at paragraph [0041].

The rejections of the various dependent claims are traversed at least for the reason that these claims depend from a claim that should now be considered allowable.

The rejection of claims 2 and 3, as set forth in Section 5 of the Action, is additionally traversed for the

reason that the additional limitations appearing in those claims are not obvious in view of the prior art.

Claim 2 specifies that the base of the enclosure has a formation provided to cooperate with the lower face of the receiver case, or one of the inner walls of the enclosure has means for hanging the receiver case. The additional applied reference, Abrams, simply discloses a receiver that can be attached to the wrist or to a garment. These features bear no relation to the limitations presented in Claim 2.

Claim 3 defines a volume ratio between the enclosure within the transceiver and the receiver. With respect to this limitation, reliance is placed on the US patent to Abrams and to the fact that Abrams discloses a cradle having certain dimensions.

Of course, a cradle is not a transmitter case; the two devices have entirely different structures and perform entirely different functions. There is no logical reason to believe that a disclosure of the dimensions of a cradle, which is a passive device for holding a receiver, would motivate those skilled in the art to provide similar dimensions to an enclosure within a transmitter case.

Moreover, contrary to the assertion presented in support of the rejection, Abrams does not disclose the volume ratio defined in Claim 3. The volume of an enclosure is the

space between the enclosure walls, including the associated transmitter case cover. What Abrams discloses is the exterior dimension of the cradle, which provides no information relating to the volume enclosed by the cradle. Indeed, one cannot even say that the cradle encloses a volume since it is open on four sides and the receiver extends above the upper edge of the cradle. Thus, the cradle dimensions cited in the Abrams reference do not provide proper support for the rejection of Claim 3.

The rejections of Claims 4-9 and 12-15 as unpatentable over KNOEDLER, as modified by Leland and further in view of IPPOLITI is traversed because the structures defined in these claims could not possibly be considered obvious in view of the applied references.

Reliance on the IPPOLITI reference is particularly inappropriate in this case. The present invention relates to a transceiver set for a baby monitor; IPPOLITI discloses a motorcycle helmet. It is inconceivable that anyone skilled in the art seeking to improve a transceiver set for a baby monitor would even consider consulting the motorcycle helmet art. It is inconceivable that any reasonable person would consider it obvious to provide a transceiver set of a baby monitor with an exterior shell based on the structure of a motorcycle helmet. It is simply not appropriate, when judging

Appln. No. 10/501,144
Amd. dated May 17, 2007
Reply to Office Action of: February 23, 2007

the patentability of an invention, to arbitrarily select a reference from any art and then to arbitrarily conclude that some element of the device disclosed in that reference could, as an "obvious" matter, be provided in a totally unrelated device.

With respect to the present invention, there could not be a clearer case of non-analogous art than IPPOLITI.

In view of the foregoing, it is requested that all of the rejections of record be reconsidered and withdrawn, that Claims 1-16 be allowed, and that the application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /jmf/
Jay M. Finkelstein
Registration No. 21,082

JMF:smb
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\S\seb\Serres Vives 2\pto\2007-05-17-amendment.doc